

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERINN HENDRICKSON, et al.,)	
)	
Plaintiffs,)	
)	Case No. 4:17-cv-217-SPM
v.)	
)	
JEFFERSON COUNTY, et al.)	
)	
Defendants.)	

**COMBINED MOTION FOR LEAVE TO WITHDRAW, MOTION TO INTERVENE AND
MOTION FOR RECOGNITION OF ATTORNEYS' LIEN**

COMES NOW Albert S. Watkins, Michael D. Schwade and the law firm of Kodner Watkins, LC ("Movants") and for their Combined Motion for Leave to Withdraw, Motion to Intervene and Motion for Recognition of Attorneys' Lien, state as follows:

1. Beginning in June 2017, Movants were engaged by Next Friend, Erinn Hendrickson, Ciara Valentine, Mary King and Amber Dorsey to represent the Plaintiffs in connection with this litigation seeking recovery for the wrongful death of Terry Edwards.

2. Erinn Hendrickson, Mary King and Amber Dorsey are the mothers to the minor children of Terry Edwards. Said minor children are four of the five Plaintiffs named herein.

3. Plaintiff Ciara Valentine is the adult daughter of Terry Edwards.

4. With the consent of Ms. King and Ms. Dorsey, Erinn Hendrickson was appointed Next Friend for each of the minor Plaintiffs by Court Order dated March 16, 2017 (Doc. 20).

5. On December 20, 2017, Movants participated in a Court directed mediation of this matter with Peter Dunne, Esq. serving as mediator.

6. Defendants and their counsel were present as were Ms. Valentine, Ms. Dorsey, Ms. King and Ms. Hendrickson.

7. The mediation gave rise to a one-page settlement agreement written on the backside of the Mediation Agreement, said agreement being written by Mr. Dunne and executed by Ms. Hendrickson, Ms. King, Ms. Dorsey and Ms. Valentine.

8. On December 26, 2017, Mr. Dunne filed an ADR Report with the Court (Doc. 79) advising a settlement was reached.

9. Subsequent to that filing, one or more conflicts of interest have arisen between Movants and one or more Plaintiffs such that Movants are precluded from continuing representation of any Plaintiff.

10. Plaintiff Ciara Valentine has retained Bill Hogan, Esq., who has entered his appearance, to represent her in connection with this matter.

11. Plaintiff Erinn Hendrickson has issued written correspondence to Movants advising that she has terminated the representation by Movants of her in this matter.

12. Plaintiff Erinn Hendrickson has engaged Andrew Protzman, Esq., who has entered his appearance, to represent her in connection with this matter.

13. On February 21, 2018, Plaintiff Valentine filed a Motion to Enforce Settlement in connection with this litigation.

14. Mr. Protzman has advised all counsel that his client does not believe there is a settlement to enforce.

15. Movants certainly have opinions on this dispute and are witnesses to certain events that have bearing on the issue of whether there is a settlement to enforce, however, taking a position supportive of one or more clients that is adverse to the position of one or more clients would put Movants in a precarious ethical position that Movants respect.

16. As a result of the above and foregoing, Movants seek leave of Court to withdraw as counsel for all Plaintiffs in this matter.

17. In addition, Movants advise the Court pursuant to RSMo §484.130 that the law firm of Kodner Watkins, LC has a lien, which attaches to the *res* of any Verdict or Judgment, whether by settlement or trial, which may be entered in this litigation.

18. In accordance with RSMo §484.140, Movants have previously given notice to Defendants' counsel of the sum certain total amount of the attorneys' lien in this case, which includes sums due to the law firms of Philip Dennis, Esq and Steven Thai, Esq. pursuant to written agreements with Plaintiffs.

19. As a result, Movants seek to intervene in this litigation as a passive party and solely on behalf of Kodner Watkins, LC for purposes of enforcing the firm's lien against any Verdict or Judgment which may be entered in this litigation.

WHEREFORE, the Plaintiffs pray for an Order granting Albert S. Watkins, Michael D. Schwade and the law firm of Kodner Watkins, LC leave to withdraw as counsel for all Plaintiffs, granting Movants leave to intervene in this litigation on behalf of Kodner Watkins, LC and recognizing the lien of Kodner Watkins, LC on any verdict or Judgment entered in this case and for such other and further relief as the Court deems just and proper under the circumstances.

KODNER WATKINS, L.C.

By: /s/ Albert S. Watkins
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CERTIFICATE OF SERVICE

Signature above is also certification a true and correct copy of the above and foregoing document was filed electronically this 21st day of February, 2018 utilizing the Court's CM/ECF filing system, which will cause a copy of same to be served upon all counsel of record. A true and correct copy of same was also served upon Mary King and Amber Dorsey via email.